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OFFICE OF PETITIONS

In re Application of :
Zhang, Guoping :
Application No. 09/852,033 :
Filed: May 10, 2001 :
Attorney Docket No. 031884-1000 :

ON PETITION

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed September 10, 2004, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely and properly reply to the final Office action mailed December 10, 2003. A three-month extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, this application became abandoned on June 11, 2004. A Notice of Abandonment was mailed September 17, 2004.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b).

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the extension of time fee submitted with the petition on September 10, 2004 was subsequent to the maximum extendable period for reply, it is unnecessary and it will not be collected from petitioner's deposit account.

This matter is being referred to Technology Center 2800 for processing of the Request for Continued Examination under 37 CFR 1.114 filed with the instant petition.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3282.

Liana Chase
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy